Chalk Point Cooperative Assessment, Patuxent River, MD

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ON APRIL 7, 2000, AN UNDERGROUND PIPELINE SUPPLYING PEPCO'S CHALK POINT GENERATING FACILITY RUPTURED, spilling about 140,000 gallons of a mixture of numbers 2 and 6 fuel oil. Booms were employed to contain the oil and a Unified Command was set up to respond to the incident.

The next night, a storm with gusts up to 50 MPH blew the oil over the containment booms, oiling about 17 linear miles of waterways and 40 miles of shoreline along the Patuxent River, a tributary of the Chesapeake Bay. A massive effort ensued to recover the oil and clean the affected areas.

The natural resource trustees included the National Oceanic and Atmospheric Administration, US Fish and Wildlife Service, and MD Departments of the Environment and Natural Resources. Pepco (the pipeline owner) and ST Services (the pipeline operator) were the Responsible Parties (RPs).

Pepco CEO and Chairman, John Derrick vowed "to leave no stone unturned" to ensure a comprehensive and effective cleanup and restoration and to keep the public fully updated and informed of the progress and status of the cleanup and restoration. The Joint Information Center (JIC) set up by the Unified Command invited the natural resource trustees to be included in the JIC.

Recognizing the spirit of the Pepco's public statement's immediately following the spill, the trustees invited Pepco and ST Services to participate in a cooperative natural resource damage assessment, which was memorialized in a signed Memorandum of Agreement.

Advantages

Under the Cooperative Assessment, there were regular Trustee-RP meetings, joint technical working groups, shared scientific studies and experts, as well as a goal of achieving consensus decisions. This resulted in the pooling of resources and information, savings from lengthy and costly litigation, an expedited assessment that allowed restoration to be achieved more quickly, and positive public relations.

Disadvantages . . .

Disadvantages included some public perception that the Trustees were working too closely with the RPs and that the RPs might have too much influence over the process. At times, this affected the trust between the public and Trustees and RPs; and resulted in disagreements over actual injuries and reparation of the injuries.

. . . and Challenges

Pepco and the State trustees never worked together on a damage assessment for a spill of this magnitude before and NOAA had to educate the parties on OPA and the damage assessment process. RPs and trustees didn't always agree on what studies needed to be done and the outcome of some studies. Trust needed to be established between the RPs and trustees. There wasn't always agreement on deadlines or schedules. Pepco had to carefully balance its commitment, its legal rights and public relations concerns.

Overcoming Challenges

RPs brought in a contractor to help them and to facilitate the process. The trustees had open access to Pepco's Vice President, Environment. Parties agreed to disagree on some issues to move the process forward. Through working together in the process and open communication, trust between the parties was established

The public was kept informed by newsletters and approximately 30 public meetings to keep, and at times, earn the public's trust. Meetings were scheduled with the Governor's Oil Spill Citizen Advisory Commission. Meetings with the scientific community were held early in the process to get their input and to identify experts to conduct and peer review injury assessment studies.

Lessons Learned

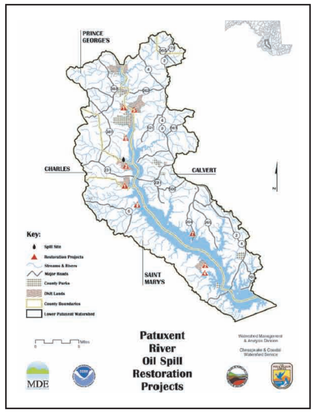
Cooperative assessments can work with novice parties. The key to success is effective communication and education. From the RP perspective, it's necessary to have a balanced and unbiased trustee Chairperson. For the trustees, the success of the cooperative assessment was enhanced by Pepco – at the highest levels of the company -- accepting responsibility for the incident and wanting to work with the trustees to resolve issues.

Going above and beyond OPA's public input requirements enhanced the publics' acceptance of the plan. Engaging, educating and keeping the public informed early on provides for a successful cooperative assessment.

The Result . . .

The Restoration Plan was completed in two years from the date of the incident. Restoration is well underway . . .

From right, U.S. Rep. Hoyer, NOAA Deputy Administrator James Mahoney, and former MD State Senator Fowler, Chair, Governor's Oil Spill Citizens Advisory Committee, at press event celebrating release of the Final Restoration Plan and Environmental Assessment.



(1) Canoe/Kayak Paddle-in Campsite
(2) ADA-Accessible Kayak/ Canoe Launch
(3) Maxwell Hall NRMA Recreational Improvements
(4) Forest Landing Boat Ramp
(5) King's Landing Boardwalk and River Education Project
(6) Cedar Haven Fishing Pier
(7) Boat Access at Nan's Cove
(8) Tidal Marsh Creation and Shoreline Beach Enhancement
(9) Oyster Reef Restoration (not displayed in figure)